

## National Archival and Library Institutions Consultation

### Chief Archivist Submission

#### *Introduction*

Archives New Zealand has the unique responsibility of regulating, preserving, maintaining and providing access to the public record. The memory of government is held in perpetuity for the people of Aotearoa New Zealand, providing a record of the rights and entitlements of New Zealanders, accountability and transparency in government decision-making, and a source of knowledge and insight about our shared society and identity. This record enables the government to fulfil its responsibilities and accountability to New Zealanders, by providing a full and accurate account of decisions and interactions. Our mandate stretches across central and local government.

Most of these precious and irreplaceable archives exist at this stage in physical formats like paper and film, and these will continue to be looked after by Archives New Zealand into the future. But the way we keep records is changing, and so is the way Archives must work with government agencies to ensure that the records of today become the trusted public record of the future.

Archives New Zealand has a special relationship with iwi Māori as partners with the Crown under Te Tiriti o Waitangi. Indeed, as the kaitiaki of the original Tiriti, this partnership is particularly valued in our organisation and supported by our legislation. The archival holdings maintained by Archives New Zealand are part of the whakapapa of the nation. Inherent in the term 'whakapapa' are the building of layers of knowledge over time, of correct order, and of an unbroken and authentic chain of evidence. To be a trusted partner with iwi Māori we must be able to demonstrate that these values, which are also archival values, are in evidence at Archives New Zealand.

*What are the two or three key challenges for the national archival and library institutions (Archives New Zealand, the National Library of New Zealand and Ngā Taonga Sound and Vision)? What is the most urgent challenge?*

Archives New Zealand is the public sector recordkeeping regulator, responsible for implementing the Public Records Act 2005. The Act requires public sector agencies to create and maintain a full and accurate record of business. To be an effective regulator, Archives New Zealand must be able to successfully direct and influence the recordkeeping behaviour of public sector agencies. Government recordkeeping is well down the path of changing from paper to digital, and with it the way that Archives New Zealand needs to regulate the sector. A digital ecosystem of information management and recordkeeping across government needs to be developed at a system-of-government level, with policy, systems design and architecture co-designed to ensure that a full, accurate and accessible record of government is created and maintained. Effective regulation in the here and now creates the trusted, authentic public record of the future, something that is part of a healthy and participatory democracy, and that New Zealanders value. We need to be working fully with government agencies on records creation, maintenance and transfer at this critical point. The pace of technology change means that relatively recent records are at risk of becoming

inaccessible to the agencies that hold them, undermining the business and accountability value of the records and potentially creating gaps and silences in the future public record. Addressing this problem requires more investment in our regulatory focus, and in our people and systems to build capability across the range of digital information management.

As well as the changing digital environment, Archives New Zealand already has a significant responsibility for physical holdings. Archives New Zealand's main repository in Wellington, which contains over 80,000 linear metres of irreplaceable public archives, is effectively full and no longer fit for purpose, presenting pressing physical and environmental issues. The volume of paper transfers to the national archives is expected to slow down only from 2030. Without a significant injection of capital funding to address long-term property issues, the nation's taonga and thereby long-term government accountability are at risk. Under-resourcing in staffing and corporate support extends these risks.

*Does the position of the Chief Archivist have the independence and authority necessary to be an effective regulator of records and information management within its broad regulatory mandate? Why/why not?*

The Public Records Act gives the Chief Archivist the independence and authority to make decisions and to act without influence. This is important in ensuring that the record of government is full, accurate and transparent. The powers afforded by the Act to the Chief Archivist are, from a purely statutory perspective, sufficient.

However, the position of the Chief Archivist in the third tier of the Department of Internal Affairs' management hierarchy does have an effect on the status of the office, and with it the perception of the office's authority.

The regulatory function of the Chief Archivist allows the public to use documentary evidence as the basis of a check on the power of government. Public sector agencies are more likely to act to comply fully with the Public Records Act if there is respect for the regulatory authority and power of the Chief Archivist and Archives New Zealand. Archives New Zealand can be a more effective regulator from within the Executive branch of government, able to influence and work together with regulated parties in central and local government.

The profile of Archives New Zealand and the Chief Archivist is partly based on the status of the office, but is also the one aspect of the office that can be self-determined, with sufficient resources and support. To some extent it is dependent on the individual holding the office, but can also be supported by the apparatus of the office to raise the profile with both the wider public and the regulated sector.

It has been suggested that the Chief Archivist could become an Officer of Parliament and that this would enhance the office's statutory reach. Like the Office of the Ombudsman and the Auditor-General, the Chief Archivist is part of a system of checks and balances on accountability across government. However, to fulfil this role the Chief Archivist does not necessarily need to become an Officer of Parliament, and separation from the Executive branch could disadvantage the Chief Archivist's regulatory effectiveness. The Privacy Commissioner is another example of a statutory officer that is able to effectively operate from within the Executive branch.

*What changes, if any, would you suggest to the role or structure of Archives New Zealand?*

The operational structure of Archives New Zealand is less important than its position in the Executive and the independence of the role of the Chief Archivist. Archives New Zealand can operate most effectively within the Executive so that the Chief Archivist and the regulatory arm of Archives can effectively regulate and influence recordkeeping behaviour, through policy development and whole-of-system co-design.

Archives New Zealand can best achieve this with the status of a stand-alone agency with a dedicated vote. Although in theory remaining within DIA or joining another government agency may not be an operational barrier to the ability of the Chief Archivist and Archives New Zealand to fulfil legislated mandates, in practice, there has been a diminishment of status of the agency and the office of Chief Archivist since integration with DIA. This will prevent Archives New Zealand from flourishing in the long term.

Similarly, the holdings of Archives New Zealand must remain under the direct control of the Chief Archivist, not only for the good reputation of the organisation with the public, but to remain an effective regulator. The authenticity and integrity of the archival holdings, under the direct control of the Chief Archivist, demonstrate evidence of the government's accountability as well as rights and entitlements for New Zealand citizens. The proper stewardship of the holdings also demonstrates the Chief Archivist's effectiveness in influencing the creation of a full and accurate public record.

Co-working arrangements with any government or non-government agency, including the National Library of New Zealand and Ngā Taonga Sound and Vision, must preserve this independence. Any changes that are made to the machinery of government must provide a stable, long-lasting and future-facing foundation for Archives New Zealand.

*What opportunities exist for the national archival and library institutions to work more effectively together in collecting, preserving and providing access to New Zealand's documentary heritage? In particular, what opportunities exist in relation to digital preservation and access?*

Archives New Zealand and the National Library already work together on a number of long-term initiatives. *He Tohu*, an exhibition of the nation's founding constitutional documents, is one such highly visible collaboration that will endure for the next twenty-five years. There is an opportunity for more strategic and meaningful operational collaboration on those aspects of our institutional purposes that align and are based on common principles and practices, such as digitisation of holdings, preservation of physical and digital holdings, storage arrangements and services to the public in reading and viewing of holdings.

However, it is crucial that any collaboration preserves not only the separate identities of the institutions, but does not compromise the independent management of each institution of its holdings. Archives and the Library differ in legislated mandates, and our respective business structures and functions are set up to serve these mandates. Archives New Zealand serves a key democratic accountability function in preserving the public record. The holdings are preserved primarily to uphold transparency, integrity and authenticity of the long-term record of government – not just for cultural, historical and national identity purposes. The intellectual controls that are applied to the archival holdings of original government records are fundamentally different to those applied by a library to published works or artefacts.

Collaboration between the national archival and library institutions is an exciting venture that will have great long-term benefit for the people of New Zealand, and we are ready to continue and build on the productive relationship we already share. These benefits will result from a greater scale and cohesion of investment in common infrastructure and capacity where appropriate.

*What does the public need in the next 30 years from the national archival and library institutions?*

A national archives is at the centre of democratic accountability and national identity. Archives New Zealand, the National Library of New Zealand and Ngā Taonga Sound and Vision share the common value of caring for their respective holdings in perpetuity for the people of New Zealand. From that come opportunities for collaboration.

The New Zealand public require a trusted, well-maintained and respected national archival institution that continues to uphold transparency and maintain the full and accurate record of government. From this key function comes the access to the holdings that the public enjoy and associate with Archives New Zealand as a heritage institution.

In fact Archives New Zealand is a heritage institution as a consequence of its regulatory and accountability roles. To that end, the 'public' also includes the public sector. A well-regulated government recordkeeping sector results in the trusted public record that all New Zealanders can draw on as a source of value and insight into our shared society and identity.

Archives New Zealand is proactively addressing the challenges we face, as an information regulator with an added heritage function, with the Archives 2057 strategy. This strategy focuses on taking archives to the people, upholding transparency, and designing systems together. We are already undertaking significant work to transform the way we work for the benefit of Aotearoa New Zealand.

To achieve this Archives New Zealand must be properly resourced with funding, infrastructure both physical and digital, and skills to support our legislated purpose and continue to meet public expectations and the needs of government agencies. The role of the Chief Archivist must be perceived as, and must be, one with the status and mana of a statutorily independent officer, and the head of an organisation that fulfils a constitutional role.

A handwritten signature in black ink, appearing to read 'Richard Foy'.

**Richard Foy**

Chief Archivist and General Manager, Archives New Zealand